

**Waterfront Planning Advisory Board**

September 24, 2012

**Potential Code Amendment for Proposed Boundary Modifications from Auditorium Shores Subdistrict to Butler Shores Subdistrict**

**Properties located west of railroad**

<b>Parcel A</b>	
Bicycle Shop Building LP 1210 Barton Springs Road	31,785 s.f.
<b>Parcel B</b>	
J K & G M Dismukes DBA Peter Pan Mini Golf 1215 Barton Springs Road	28,040 s.f.
<b>Parcel C</b>	
State of Texas Youth Council 1209 Barton Springs Road	40,000 s.f.
<b>Parcel D</b>	
City of Austin 1201 W. Riverside Drive	303,831 s.f.

## PROPOSED WATERFRONT OVERLAY BOUNDARY ADJUSTMENT

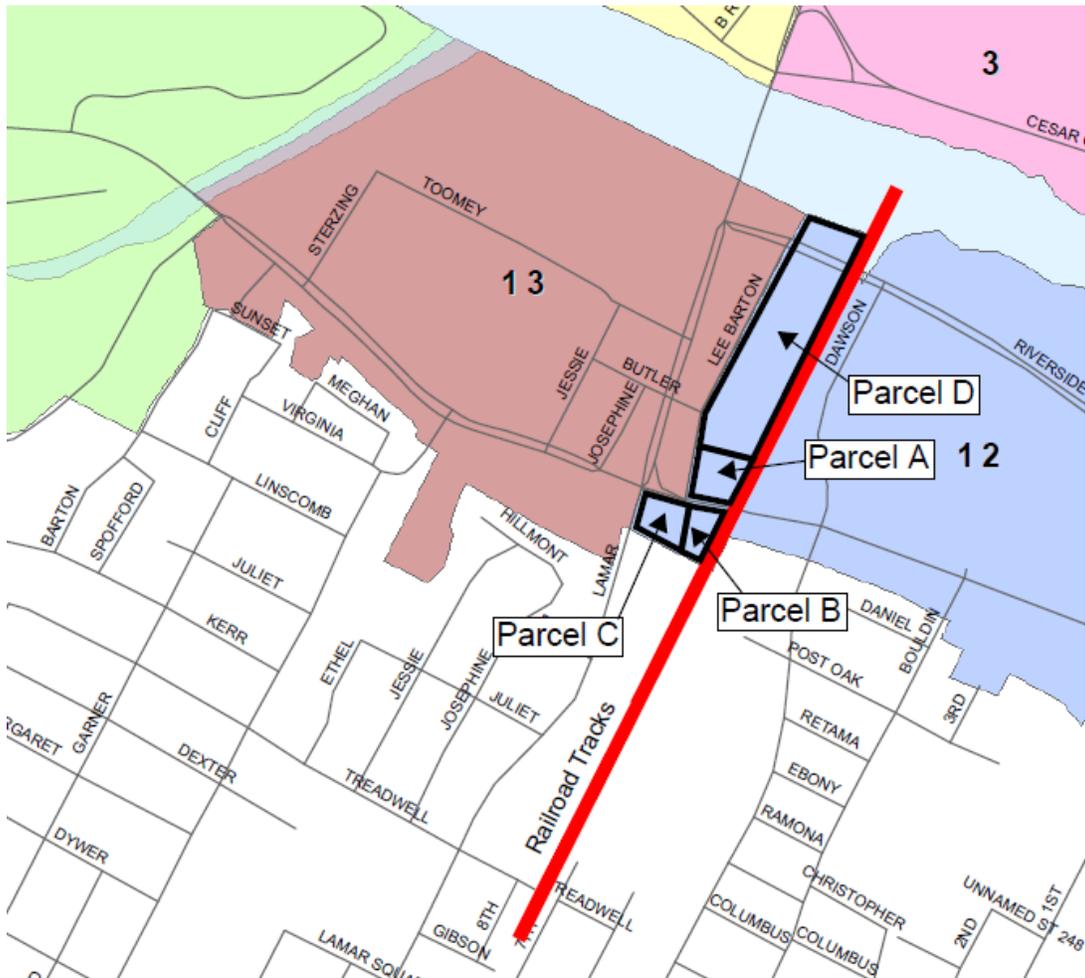
### History

In 1986, the City of Austin adopted Ordinance #860904-X, which created the Waterfront Overlay Combining District, and established fixed boundaries and development regulations for sixteen subdistricts along the north and south shorelines of what is now Lady Bird Lake. The stated purpose of the Waterfront Ordinance was to provide a more harmonious interaction and transition between urban development and the city's parklands and shorelines, and to reflect the goals and policies set forth in the Town Lake Corridor Study of 1985.

### Proposed Boundary Adjustment

The owner of a 0.73-acre tract at 1210 Barton Springs Road (Parcel "A" below) has requested that the City of Austin adjust a portion of the existing boundary line between the Butler Shores Subdistrict and the Auditorium Shores Subdistrict of the Waterfront Overlay. At this time, Jack & Adam's Bike Shop is located on this property, which was acquired by the owner, Bicycle Shop Building LP, in 2006. This requested adjustment, if approved, will relocate the boundary between the Auditorium Shores Subdistrict to the Butler Shores Subdistrict, such that Parcels "A", "B", "C" and "D" would then be located within the Butler Shores Subdistrict.

The map below is included for reference:



The area in blue is the Auditorium Shores Subdistrict (12), and the Butler Shores Subdistrict (13) adjoins it to the west. Parcel “A” is Jack & Adam’s Bike Shop, the subject property, Parcel “B” is the Peter Pan Mini Golf course, Parcel “C” is a McDonald’s restaurant, and Parcel “D” is the Butler Pitch and Putt.

The existing improvements on Parcel “A”, a former fast food building and parking lot, are considered nonconforming, as they were permitted and constructed in 1984, prior to the adoption of the Waterfront Overlay development standards. Regulations now restrict the allowable uses on the site, and the owner, who is considering selling the property, is concerned that the limited land uses currently permitted within the Auditorium Shores Subdistrict will impact the value and marketability of the tract.

The owner of Parcel “A” contends that it would be more appropriate for the subject tract to be placed within the Butler Shores Subdistrict, and that the Union Pacific railroad tracks create a significant line of demarcation between the primarily commercial uses of the South Lamar/Barton Springs Road intersection, and the parkland and civic uses that are more typical of the Auditorium Shores Subdistrict.

Parcel “A” is located entirely within the secondary setback of the Auditorium Shores Subdistrict, and Section 25-2-692(G)(2) of the City of Austin Land Development Code stipulates that uses within this setback are limited to cultural services, day care services, park and recreation services, food sales and restaurants (without drive-throughs). Further, impervious cover may not exceed 30 percent. The Butler Shores Subdistrict allows a number of uses, including general retail sales, residential uses, cocktail lounges, consumer convenience services and other uses as determined by the Land Use Commission. Impervious cover limitations within this subdistrict are dictated by the base zoning districts, and Parcel “A”, which is zoned CS-V and CS-1-V, would be allowed 95 percent impervious cover.

However, if the subdistrict boundary is adjusted to accommodate the property, it will then be subject to the Butler Shores Subdistrict setback regulations, which will require a 35-foot primary setback from the north right-of-way line of Barton Springs Road. Within this setback, parking areas and structures are prohibited, as per Section 25-2-721(B).

Adjustment of the boundary will not change the allowable height for a structure on Parcel “A”. Section 25-2-731(F)(2) notes that structures located within the secondary setback of the Auditorium Shores Subdistrict are permitted the lower of 60 feet or the maximum height allowed in the base zoning district, which is also 60 feet based upon the CS-1-V and CS-V zoning of the site. Within the Butler Shores Subdistrict, structures located north of Barton Springs Road are permitted the lower of 96 feet or the maximum height allowed in the base zoning district, which also allow a maximum height of 60 feet [Section 25-2-733(H)(1)].

Parcel B (zoned CS) and Parcel C (zoned CS-V) are also currently located in the secondary setback of Auditorium Shores and as such are currently limited to a maximum height of 60 feet or the allowable height for the base zoning district, which is also 60 feet for each property. Should Parcels B and C be moved to the Butler Shores Subdistrict, identical height limitations would apply – a maximum of 60 feet or the allowable height for the base zoning district, which is 60 feet. Note that the maximum allowable height for Parcels B and C, should they be moved to the Butler Shores Subdistrict, would be 60 feet and not 96 feet, as Parcels B and C are located on the *south* side of Barton Springs Road [Section 25-2-733(H)(2)]. In addition, impervious cover

limitations within this subdistrict are dictated by the base zoning districts, and Parcel B (zoned CS) and Parcel C (zoned CS-V) would be allowed 95 percent impervious cover.

Parcel D is zoned P-Public, and is owned by the City of Austin. Requirements that currently apply to property zoned P [25-2-624 & 25-2-625] would continue to apply, regardless of a subdistrict change.

### Approval Process

In order to effect this proposed boundary line adjustment, the section of the Land Development Code which describes the Waterfront Overlay subdistrict boundaries must be amended. This proposed amendment must first be presented to the Waterfront Planning Advisory Board (WPAB). In a public hearing, this board will consider whether to recommend this action to the Planning Commission. Currently, the WPAB is scheduled to hear this proposal on March 11, 2013.

The Planning Commission Codes & Ordinances Committee will then consider the WPAB recommendation on March 19, and will provide their own recommendation to the Planning Commission at a public hearing on March 26. If the proposed boundary adjustment is approved at that time, it will be presented to City Council at a date to be determined. If the Planning Commission does not approve the adjustment, the owner of Parcel "A" may appeal that decision to the City Council.

Notification of the Planning Commission and City Council public hearings will be provided to property owners within 500 feet of the subject property, and to other registered interested parties.

For additional information regarding this matter, please contact the following City of Austin staff:

Michael Simmons-Smith, Planning & Development Review Department, 974-1225 or [michael.simmons-smith@austintexas.gov](mailto:michael.simmons-smith@austintexas.gov)

Greg Dutton, Planning & Development Review Department, 974-3509 or [greg.dutton@austintexas.gov](mailto:greg.dutton@austintexas.gov)

## **Waterfront Planning Advisory Board 3/11/13**

### **Motions:**

*#1 – On a motion by Chair Bailey, and a second by Mr. Mann, the Board voted 5-0-2 not to revise the existing boundary line between the Auditorium Shores and the Butler Shore Subdistricts.*

*#2 – On a motion by Chair Bailey, and a second by Vice-Chair Pilgrim, the Board voted 5-0-2 to (a) expand the allowable land uses on the 0.73-acre Jack & Adam's Bike Shop property at 1210 Barton Springs Road to include those uses permitted within the CS base district, with some exceptions, and (b) to increase the maximum allowable impervious cover on the subject site to 60 percent. All other regulations of Division 7. Waterfront Overlay District and Subdistrict Uses will remain applicable.*